

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2940

To amend title 28, United States Code, to remove from the district courts jurisdiction over actions to determine questions regarding inmate capacity at State penal and correctional institutions.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1993

Mr. GEREN of Texas (for himself, Mr. WALSH, Mr. DELAY, Mr. GALLEGLY, Mr. ZELIFF, Mr. SARPALIUS, and Mr. FIELDS of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to remove from the district courts jurisdiction over actions to determine questions regarding inmate capacity at State penal and correctional institutions.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. LIMITATION ON JURISDICTION OF DISTRICT**  
4       **COURTS.**

5       Chapter 85 of title 28, United States Code, is amend-  
6       ed by adding at the end the following:

1 **“§ 1368. Limitation regarding State correctional insti-**  
2 **tutions**

3 “(a) LIMITATION ON JURISDICTION.—Notwithstand-  
4 ing any other provision of this chapter or any other law,  
5 the district courts shall not have jurisdiction over any ac-  
6 tion to determine questions regarding the inmate capacity  
7 of any State penal or correctional institution.

8 “(b) DEFINITION.—As used in this section, the term  
9 ‘State’ means the several States, the District of Columbia,  
10 the Commonwealth of Puerto Rico, any other territory or  
11 possession of the United States, and any subdivision of  
12 any such State, district, commonwealth, territory, or pos-  
13 session.”.

14 **SEC. 2. CONFORMING AMENDMENT.**

15 The table of sections at the beginning of chapter 85  
16 of title 28, United States Code, is amended by adding at  
17 the end the following:

“1368. Limitation regarding State correctional institutions.”.

18 **SEC. 3. APPLICABILITY.**

19 The amendments made by this Act shall apply to any  
20 action filed before the date of the enactment of this Act,  
21 whether or not judgment has been entered in such action,  
22 and to any action filed on or after such date of enactment.

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